STATE OF FLORIDA
BOARD OF PHYSICAL THERAPY PRACTICE

IN RE: THE PETITION FOR
DECLARATORY STATEMENT
OF BRUCE WILLS

FINAL ORDER DENYING PETITION FOR DECLARATORY STATEMENT

THIS CAUSE came before the Board of Physical Therapy Practice (hereinafter the
“Board”), on August 6, 2010 in Tampa, Florida, for consideration of a Petition for Declaratory
Statement (attached hereto as Exhibit A) filed by Bruce Wills on May 25, 2010. The petitioner
was present. The petition was published in the Florida Administrative Weekly on June 11, 2010.
No comments by interested persons were received.

Statement of Relevant Facts

1. The Board accepts the facts as presented in the Petition for Declaratory Statement.

Grounds for Denial

2. Section 486.021, Florida Statutes clearly prohibits Physical Therapists from
accepting referrals from Advanced Registered Nurse Practitioners. The Board cannot waive a
statutory requirement to allow the petitioner to accept referrals from Advanced Registered Nurse
Practitioners.

THEREFORE, the Petition is DENIED.

This Final Order shall take effect upon being filed with the Clerk of the Department of
Health.

DONE AND ORDERED this 20 day of August, 2010.
NOTICE OF RIGHT TO JUDICIAL REVIEW UNLESS WAIVED

A PARTY WHO IS ADVERSELY AFFECTED BY THIS ORDER IS ENTITLED TO JUDICIAL REVIEW, UNLESS WAIVED, PURSUANT TO SECTION 120.68, FLORIDA STATUTES. PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF THE NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEALS, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Bruce R. Wills, at Advanced Physical Therapy, Inc., 6050 Babcock Street, Suite 5, Palm Bay, Florida 32909; and by inter-office delivery to Allison Dudley and Dror Lewy, Assistant Attorneys General, Department of Legal Affairs, The Capitol, PL-01, Tallahassee, FL 32399-1050 this 23rd day of August, 2010.

Deputy Agency Clerk
TO: Florida Board of Physical Therapy  
4052 Bald Cypress Way, Bin C 05  
Tallahassee, FL 32399-3255

FROM: Bruce R. Wills, MPT, MTC  
Advanced Physical Therapy, Inc.  
6050 Babcock St. Ste 5  
Palm Bay, FL 32909  
321-676-2055  
FAX: 321-676-9928  
E-Mail: advancedphys625@bellsouth.net

RE: Petition for a Declaratory Statement before the Florida Board of Physical Therapy

I bring to the Florida Board of Physical Therapy a petition for a declaratory statement which would formally and legally allow me, a licensed Florida Physical Therapist, to accept Nurse Practitioners physical therapy referrals without the need or requirement that the Nurse Practitioner's referral be cosigned by a supervising practitioner of record as defined in the Florida Physical Therapy Practice Act Chapter 486 (486.021 paragraph subsection 11). This defines the following chapters as the only entities that are eligible to serve as practitioners of record for physical therapy:

- Chapter 458 Department of Medicine, Physician and Physician Assistant
- Chapter 459 Osteopathic Physicians
- Chapter 460 Chiropractors
- Chapter 461 Podiatrists
- Chapter 466 Dentists

To my knowledge and with discussion with Craig Crosby, Executive Vice President of the Florida Physical Therapy Association, I was informed there is no statute, rules, or orders of which the declaratory statement is sought. Historically there have been two declaratory statements requested and granted regarding this same situation in previous years.

I am requesting this declaratory statement because I have lost several referral sources because of this problem. This has been detrimental to my private physical therapy practice. I have been told that I am the only physical therapist that requests a co-signature of a practitioner of record when I receive a nurse practitioners referral. This problem has been ongoing for at least 10 years. I do not believe other physical therapists should be rewarded remuneration by practicing outside their scope of practice as defined by Florida State Law. At the same time because I follow the State Law I am effectively punished with a loss of referral sources and avenues of revenue necessary to sustain a private physical therapy practice. To the best knowledge of the FPTA- there has not been any disciplinary action taken against a Florida Physical Therapist for accepting a Nurse Practitioner's referral. However I am not willing to knowingly disregard the law.
Thank you for your attention to this important matter. Your assistance in quickly resolving the

acceptance of your Progressive Physical Therapy referral without a signature of a licensed physical therapist has been a concern to the Board of Physical Therapy. It is therefore that I seek your input from the Board on this matter.

Please note that the signature on the referral is missing. It is important that the referral be signed by the licensed physical therapist.

The process of accepting referrals without a signature is concerning. It is important that all referrals be signed by the licensed physical therapist.

This issue has been ongoing for numerous years. The Board of Physical Therapy Association has been

The set of acceptable Progressive Physical Therapy referrals could also potentially affect insurance fraud and

BRW PA